

Judge Jarvey's intelligence, command of the law and rules of evidence, and his fairness.

Judge Jarvey has been given a unanimous rating of "well qualified" by the ABA. I am confident that this man possesses the skill, integrity, commitment, intellect, and temperament that we expect of all good judges. So I urge my colleagues to vote in support of Judge Jarvey's nomination.

Mr. LEAHY. Mr. President, I know the nominee has been voted on unanimously by the Judiciary Committee and has the support of both Senators from Iowa. I support the nominee. I ask for the yeas and nays on that nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is: Will the Senate advise and consent to the nomination of John Alfred Jarvey, of Iowa, to be U.S. District Judge for the Southern District of Iowa?

The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 67 Ex.]

#### YEAS—95

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Dorgan     | Mikulski    |
| Alexander | Durbin     | Murkowski   |
| Allard    | Ensign     | Murray      |
| Baucus    | Enzi       | Nelson (FL) |
| Bayh      | Feingold   | Nelson (NE) |
| Bennett   | Feinstein  | Obama       |
| Biden     | Graham     | Pryor       |
| Bingaman  | Grassley   | Reed        |
| Bond      | Gregg      | Reid        |
| Boxer     | Hagel      | Roberts     |
| Brown     | Harkin     | Rockefeller |
| Brownback | Hatch      | Salazar     |
| Bunning   | Hutchison  | Sanders     |
| Burr      | Inouye     | Schumer     |
| Byrd      | Isakson    | Sessions    |
| Cantwell  | Kennedy    | Shelby      |
| Carper    | Kerry      | Smith       |
| Casey     | Klobuchar  | Snowe       |
| Chambliss | Kohl       | Specter     |
| Clinton   | Kyl        | Stabenow    |
| Coburn    | Landrieu   | Stevens     |
| Cochran   | Lautenberg | Sununu      |
| Coleman   | Leahy      | Tester      |
| Collins   | Levin      | Thomas      |
| Conrad    | Lieberman  | Thune       |
| Corker    | Lincoln    | Vitter      |
| Cornyn    | Lott       | Voinovich   |
| Craig     | Lugar      | Warner      |
| Crapo     | Martinez   | Webb        |
| DeMint    | McCaskill  | Whitehouse  |
| Dole      | McConnell  | Wyden       |
| Domenici  | Menendez   |             |

#### NOT VOTING—5

|        |         |        |
|--------|---------|--------|
| Cardin | Inhofe  | MCCAIN |
| Dodd   | Johnson |        |

The nomination was confirmed.

Mr. LEAHY. Mr. President, I understand we have a second nomination now.

#### NOMINATION OF SARA ELIZABETH LIOI TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Sara Elizabeth Lioi, of Ohio, to be United States District Judge for the Northern District of Ohio.

Mr. LEAHY. Mr. President, today we consider the nomination of Sara Elizabeth Lioi for a lifetime appointment to a seat on the Northern District of Ohio. Hers will be the tenth judicial nomination for a lifetime appointment to the Federal courts that the Senate has already considered this year.

Judge Lioi has spent nearly 10 years on the Stark County Court of Common Pleas. I am sure Senator VOINOVICH, who appointed her to the bench when he was Governor of Ohio, will welcome her confirmation. I thank Senator BROWN for expediting his consideration of this nomination. This process works best when the White House consults with Senators from both sides of the aisle.

Judge Lioi received her B.A. from Bowling Green State University in 1983, where she graduated summa cum laude, and her J.D. from Ohio State University College of Law in 1987. She worked in private practice with Day, Ketterer, Raley, Wright & Rybolt Ltd. in Canton, OH, upon graduation from law school. Her practice included appellate and trial litigation and service as special counsel to Stark State College of Technology. She was elected a principal of her law firm in 1993 and stayed there until Governor Voinovich appointed her to the bench in 1997. Judge Lioi has been active in the judicial and legal community, serving on a statewide Board of Commissioners on Character and Fitness, the Supreme Court's Board of Commissioners on Grievances and Discipline, and the Supreme Court of Ohio Task Force on Rules of Professional Conduct.

With Judge Lioi's confirmation, we will have confirmed all the district court nominees left pending on the Senate's Executive Calendar at the end of the last Congress when Republican holds prevented us from confirming them all. We have worked hard to expedite these nominations through the committee and the Senate this year. I thank particularly the new Members for allowing us to proceed so quickly and congratulate Judge Lioi and her family on her confirmation today.

We have now proceeded with 10 confirmations even though the President did not renominate Judge Janet Neff for one of the many emergency vacancies that plague the Western District of Michigan. Last year the Senators from Michigan had worked with the White House and the President had proceeded

to nominate her. The Democratic members of the committee cooperated to expedite her consideration along with others. Last September 16, we held a confirmation hearing for her and other nominees on an expedited basis and the committee sent them to the Senate without a single objection on September 29.

Regrettably, rather than meet to work out a process to conclude the consideration of judicial nominations last session, the Republican leadership of the Senate stalled these nominations and, in particular, the President's nomination of Judge Janet Neff. After the Senate session in October, I learned that several Republicans were objecting to Senate votes on some of President Bush's judicial nominees. According to press accounts, Senator BROWNBACK had placed a hold on Judge Neff's nomination, even though he raised no objection to her nomination when she was unanimously reported out of Judiciary Committee. He later sent questions to Judge Neff about her attendance at a commitment ceremony held by some family friends several years ago in Massachusetts. Senator BROWNBACK spoke of these matters and his concerns on one of the Sunday morning talk shows.

Could it really be that Judge Neff's attendance at a commitment ceremony of a family friend failed some Republican litmus test of ideological purity, that her lifetime of achievement and qualifications were to be ignored, and that her nomination was to be pocket filibustered by Republicans?

I do not know why the President has not chosen to renominate Judge Neff. The situation in the Western District of Michigan is quite dire. Judge Robert Holmes Bell, Chief Judge of the Western District, wrote to me and to others about the situation in that district, where several judges on senior status—one over 90 years old—continue to carry heavy caseloads. Judge Bell is the only active judge. Senator BROWNBACK, who raised concern about the burdens falling on senior judges in his home State, should be sensitive to the dire situation in the Western District of Michigan exacerbated by his hold.

I have long urged the President to fill vacancies with consensus nominees, particularly for those determined to be judicial emergencies. According to the Administrative Office of the U.S. Courts, after Judge Lioi's confirmation, there will remain 50 judicial vacancies, 25 of which—more than half—have been deemed to be judicial emergency vacancies. Of those 25 judicial emergency vacancies, the President has yet to send us nominees for 17 of them. That means two-thirds of the judicial emergency vacancies are without a nominee from the President. That includes the judicial emergency vacancy that Judge Neff should have filled months ago but for another Republican pocket filibuster.

Mr. President, I yield back the remainder of my time. I see the ranking member on the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, thank you for allowing me to speak on behalf of a very deserving person from the State of Ohio, as the Senate considers her nomination to the Federal bench. I am here to express my strong support for Judge Sara Lioi, who the President has nominated to serve on the U.S. District Court for the Northern District of Ohio.

Judge Lioi has a distinguished and impressive record as an attorney in private practice, as an Ohio Court of Common Pleas Judge, and as a community leader in Stark County, Ohio, where she has deep roots.

A native of Stark County, Judge Lioi graduated from GlenOak High School and from Bowling Green State University, where she graduated summa cum laude and earned the distinction of Phi Beta Kappa.

Later, Judge Lioi went on to attend my law school alma mater, the Moritz College of Law at the Ohio State University, receiving her law degree in 1987. After graduating from law school, Judge Lioi joined the law firm of Day, Ketterer, the oldest law firm in Stark County, Ohio, as an associate. Judge Lioi was later recognized by her colleagues when they elected her to the firm's partnership in 1993.

As an attorney, she represented individuals, schools, and other institutions of higher learning, cities, small businesses, and multinational corporations. While in private practice, she represented clients at both the trial and appellate levels.

In November 1997, when I was Governor, I appointed Judge Lioi to fill a vacancy on the Stark County Common Pleas Court. Since then, Stark County voters have twice reelected her.

Since ascending to the bench, Judge Lioi has disposed of over 9,500 cases and conducted over 350 trials, over 335 of which were jury trials. In sum, she has broad courtroom experience, both on and off the bench. This extensive experience will serve her well as a Federal trial court judge.

Judge Lioi has also earned the respect of her colleagues and fellow attorneys. During her time as a practicing attorney, she served on the Supreme Court of Ohio Board of Commissioners on Grievances and Discipline, and for over 10 years, Judge Lioi has served on the Supreme Court of Ohio Board of Commissioners on Character and Fitness, including the last 5 as the Chair of this Commission.

I believe her service on these important commissions evidences the high esteem in which members of the Ohio bar hold her, and is testimony of her excellent character.

Judge Lioi's legal credentials are not the only reasons I support her nomination. Today, too many people do not take the time to become involved in

their communities; however, Judge Lioi remains involved in a number of civic organizations. A graduate of Leadership Stark County, she has remained active with that program, as well as other not-for-profit community agencies, including Community Services of Stark County, Stark County Humane Society, Walsh University Advisory Board, and the Plain Local Schools Foundation. We need judges who not only have exceptional legal skills, but who also recognize how the law impacts individuals and communities, and involvement in one's community facilitates this understanding. Judge Lioi has this understanding because she is participating in her community every day.

As a result of Judge Lioi's fine academic and professional achievements, I am not surprised that the American Bar Association unanimously found her well-qualified to serve as a Federal district court judge.

In reviewing Judge Lioi's academic and professional record, it is clear that she is well-qualified to serve as a judge on the U.S. District Court for the Northern District of Ohio, and I urge my colleagues to vote to approve her nomination to the Federal bench.

Mr. President, I yield back the remainder of my time.

Mr. LEAHY. Mr. President, I am willing to have a voice vote if nobody wants a rollcall vote.

Mr. VOINOVICH. I agree that we can have a voice vote.

The PRESIDING OFFICER. All time has expired. The question is, Will the Senate advise and consent to the nomination of Sara Elizabeth Lioi, of Ohio, to be United States District Judge for the Northern District of Ohio.

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's actions.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. CARPER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

Mr. REID. Mr. President, there will be no more votes tonight. We are work-

ing to try to come up with a schedule tomorrow. As soon as we have one, everyone will be notified.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I rise for the purpose of speaking about two amendments. I wish to say that I really appreciate the efforts of the Senator from Connecticut and the Senator from Maine, who have literally been on this floor all day. As you can tell, the Senator from Maine has been struggling with a cold through the week. She has been as brave as she can, trying to get this important bill passed even though she doesn't feel at her best. The Senator from Connecticut has been working hard.

For some reason, we just can't seem to get a vote on two amendments that are very important to Louisiana. These amendments have been cosponsored by Senator VITTER, of course, from the State of Louisiana, and myself. Both of these amendments have been cleared on the Democratic side now for some time. We continue to have opposition, and we are not even sure where the opposition is coming from because the person who is holding it or the reasons cannot be made clear publicly, so I am not exactly sure what the opposition is to these two amendments.

I thought, while we were pondering about what to do, I would just talk again about what these amendments do and why they are so important.

#### AMENDMENT NO. 295

The first amendment is amendment No. 295, which has been pending for 2 weeks. I understand some colleagues may want to vote no. That most certainly is their prerogative. I bring this amendment to the floor with many cosponsors, Democrats and Republicans, but it is being held up on the Republican side tonight. It has been cleared on the Democratic side.

This amendment is to allow a waiver of the 10-percent match that has been required of Katrina and Rita recovery efforts. The reason we are asking that, as this board very dramatically shows, is the scale of this disaster is so far above any disaster, natural or otherwise, that we have experienced in this country that without this relief, the recovery is in jeopardy. That is not just because of the amount of money that has to be put up by local governments that are struggling to literally barely keep the lights on but also because of the redtape involved in this required match.

I understand the principle of a match. In principle, I agree that when you have a disaster, the local area and the State should put up some money and the Federal Government should